

To: Seaborne, Rick[Seaborne.Rick@epa.gov]
Cc: Hall, Lynda[Hall.Lynda@epa.gov]
From: Waye, Don
Sent: Fri 12/20/2013 12:14:56 AM
Subject: RE: What happens to any withheld 319 funds under a CZARA disapproval?

Rick,

I agree with what you wrote below generally. I am a bit perplexed about your last sentence—that withholding a portion of Oregon's FY15 319 allocation would affect funding to most local 319 implementation project subgrants. Perhaps we can discuss the implications of a 30% withholding scenario on Oregon's FY15 allocation at some point in the new year.

-Don

From: Seaborne, Rick
Sent: Thursday, December 19, 2013 6:54 PM
To: Waye, Don
Cc: Hall, Lynda
Subject: RE: What happens to any withheld 319 funds under a CZARA disapproval?

Don:

I am the 319 PO for Oregon and ODEQ asked about 2014 319 funding implications. Based on our previous mails on this (including Lynda's input) I advised that, due to the late timing of a potential disapproval, and their 2014 319 workplans already being under development (for the 319 local project funds going into their yearly categorical grant), or already approved under the existing PPG (which receives the balance of 319 funds for program management) that 2014 319 funds would probably not be withheld. We will need to use 2014 CR and/or 2014 319 budget allocation funds (when we know), to provide remaining 319 funds owed on the previously -approved PPG (NPS component) and to then fund their local implementation projects under the next 2014 categorical 319 grant.

Have advised ODEQ of the need to continue plans to submit their 2013 annual NPS

report for our process determination, and then the 2014 319 categorical grant application, early in 2014. I anticipate they will need 2014 319 funds added to their already-approved PPG (to fully fund continuing NPS workplan under that PPG) before then needing the remainder of their 2014 319 allocation to fund the local 319 implementation project subgrants (under the 2014 categorical 319 grant). Any subsequent withholding (e.g. 2015) would likely reduce this cat grant and thus their ability to fund most of the local 319 implementation project subgrants which otherwise would be funded.

Rick

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From: Waye, Don

Sent: Thursday, December 19, 2013 2:26 PM

To: Hall, Lynda

Cc: Sweeney, Stephen; Gable, Kelly; Psyk, Christine; Carlin, Jayne; Croxton, Dave; Seaborne, Rick

Subject: What happens to any withheld 319 funds under a CZARA disapproval?

Lynda,

You asked about what becomes of any 319 funds that are withheld. The answer is highlighted below—taken from the CZARA statute. It does look like we have some flexibility to proportion the funds rather than split it equally among the 23 fully approved coastal nonpoint states and territories. Or to get more creative, if desired. For instance, it might make sense to give the 18 approved states an equal fixed amount and the 5 approved territories some smaller fixed amount, given their decidedly smaller 319 allocations.

(4) Withholding water pollution control assistance. If the Administrator finds that a coastal State has failed to submit an approvable program as required by this section, the Administrator shall withhold from grants available to the State under section 319 of the Federal Water Pollution Control Act [33 USC § 1329], for each fiscal year until such a program is submitted, an amount equal to a percentage of the grants awarded to the State for the preceding fiscal year under that section, as follows:

(A) For fiscal year 1996, 10 percent of the amount awarded for fiscal year 1995.

(B) For fiscal year 1997, 15 percent of the amount awarded for fiscal year 1996.

(C) For fiscal year 1998, 20 percent of the amount awarded for fiscal year 1997.

(D) For fiscal year 1999 and each fiscal year thereafter, 30 percent of the amount awarded for fiscal year 1998 or other preceding fiscal year.

The Administrator shall make amounts withheld under this paragraph available to States having programs approved pursuant to this subsection.

-Don